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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,719	04/29/2002	Joachim Hohne	A34900-PCT-USA	1050
21003	7590	11/16/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			KANG, INSUN	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This action is in response to the amendments filed 8/11/2005 and 4/8/2005.
2. As per applicant's request, claim 2 has been cancelled and claims 1, 3, and 7 have been amended. Claims 1 and 3-7 are pending in the application.

Information Disclosure Statement

3. The IDS submitted on 4/8/2005 has been acknowledged. The applicant has submitted only four pages of the book, "programming and Deploying Java Mobile Agents with Aglets," which are not sufficient to consider. However, the examiner located the entire book to expedite the prosecution.

Drawings

4. The drawing filed 8/11/2005 is objected to under 37 CFR 1.83(a). The drawing must show every feature of the invention specified in the claims. Therefore, transmitting the mobile program code, generating further mobile program code etc must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

i) There are two paragraphs in the abstract. The abstract should contain a single paragraph. Appropriate correction is required.

Claim Objections

6. The objection to claim 3 has been withdrawn due to the amendment to the claim.

Claim Rejections - 35 USC § 112

7. The rejection to claims 1 and 3-7 has been withdrawn due to the amendment to the claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Lange et al. ("programming and deploying Java Mobile Agents with Aglets," 8/1998) hereafter Lange.

Per claim 1:

Lange discloses:

- installing a mobile program code for the control of an industrial installation (i.e. "The aglet is a mobile Java agent that supports the concepts of autonomous execution and dynamic routing on its itinerary," page xxii, third paragraph)
- transmitting a mobile program code from a remote location to the industrial installation (i.e. "The mobile agent is free to travel among the hosts in the network. Created in one

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execution environment, it can transport its state and code with it to another execution environment in the network, where it resumes execution,” page 3 second paragraph) and installing and commissioning the code independently on the industrial installation (i.e. “The agent is given a chance to initialize itself using any initialization arguments provided by the creator. Only when the initialization has been completed can the agent assume that it has been fully and correctly installed in the place...After being fully installed in the place, the agent starts execution...independently of other agents in the same place,” page 22 paragraphs 3-4)

-generating by means of the mobile program code further mobile program codes having a defined task (i.e. page 4, “the unique ability to distribute themselves among the hosts in the network so as to maintain the optimal configuration for solving a particular problem,” “Given that mobile agents can create a cascade of clones in the network...to administer parallel processing tasks,” page 9 paragraph 4; “copied from an existing aglet(cloning),” page 38 second paragraph) , and transmitting the further mobile program codes to and within the industrial installation (i.e. “If a computation requires so much processor power that it must be distributed among multiple processors, an infrastructure of mobile agent hosts could be a plausible way to allocate the processes,” page 9 paragraph 4).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Lange teaches:

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-a mobile program codes is transmitted between the remote location and the industrial installation via ISDN, satellite, or Internet (i.e. "leverage mobile agent technology in Internet-like, open wide-area networks," page 37, second paragraph)

Per claim 4:

The rejection of claim 1 is incorporated, and further, Lange teaches:

-the mobile program code is JAVA program code (i.e. "Java-based mobile agent systems: Aglets, Odyssey, Concordia, and Voyager," page 11 paragraph 4).

Per claim 5:

The rejection of claim 4 is incorporated, and further, Lange teaches:

-running the mobile program code on hardware provided for an open-loop or closed-loop control of the industrial installation (i.e. "leverage mobile agent technology in Internet-like, open wide-area networks," page 37, second paragraph).

Per claims 6:

The rejection of claim 1 is incorporated, and further, Lange teaches:

-the installed mobile program code is designed to monitor the industrial installation ("An agent can monitor a given information source without being dependent on the location from which it originates," page 9).

Per claim 7:

The rejection of claim 6 is incorporated, and further, Lange teaches:

-independently monitoring the industrial installation by means of the mobile program code for faults or special events, in the event of which information needed to evaluate the fault or the special event is transmitted to the remote location by means of the mobile program code, or a further mobile program code (i.e. "Monitoring and notification...An agent can monitor a given information source without being dependent on the location from which it originates. Agents can be dispatched to wait for certain kinds of information to become available. It is often important that the life spans of monitoring agents exceed or are independent of the computing processes that create them," page 9 second paragraph).

Response to Amendment

10. The amendments to the claims filed on 8/11/2005 do not comply with the requirements of 37 CFR 1.121(c) because: per claims 4-6, these claims have been previously amended, therefore, the identifier "previously presented" should be used. To expedite the prosecution, the examiner interpreted that the identifier, "original," used for claims 4-6 was meant to be "previously presented." However, clarification is requested.

Response to Arguments

11. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 4/8/2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-R: 7:30-6.

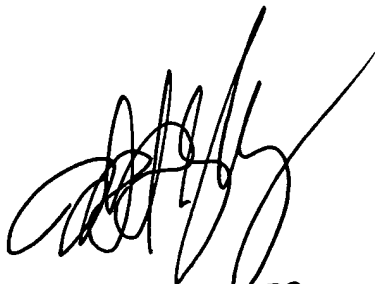
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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TODD INGBERG
PRIMARY EXAMINER